

Introduced by Senator HuffFebruary 21, 2014

An act to amend Section 49414 of the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1266, as introduced, Huff. Pupil health: epinephrine auto-injectors.

Existing law authorizes a school district or county office of education to provide emergency epinephrine auto-injectors to trained personnel, and authorizes trained personnel to use those epinephrine auto-injectors to provide emergency medical aid to persons suffering from an anaphylactic reaction. Existing law authorizes each public and private elementary and secondary school in the state to designate one or more school personnel on a voluntary basis to receive initial and annual refresher training regarding the storage and emergency use of an epinephrine auto-injector, as specified. Existing law authorizes a school nurse, or a person who has received the training described above if the school does not have a school nurse, to, among other things, obtain a prescription for epinephrine auto-injectors, as specified.

This bill would require school districts and county offices of education to provide emergency epinephrine auto-injectors to trained personnel and would require trained personnel to use those epinephrine auto-injectors to provide emergency medical aid to persons suffering from an anaphylactic reaction. The bill would require each public elementary and secondary school in the state to designate one or more school personnel on a voluntary basis to receive initial and annual refresher training regarding the storage and emergency use of an epinephrine auto-injector, as specified. The bill would require a school nurse, or a person who has received the training described above if the

school does not have a school nurse, to, among other things, obtain the prescription for epinephrine auto-injectors, as specified, and would authorize the prescription for epinephrine auto-injectors to be filled by local or mail order pharmacies. The bill would require an epinephrine auto-injector to be restocked as soon as possible after it is used and before its expiration date. The bill would require epinephrine auto-injectors to be available at each schoolsite and at school-sanctioned events. The bill would provide that the school district, the county office of education, and trained personnel are not liable for any civil damages resulting from the administration of an epinephrine auto-injector to a person reasonably believed to be suffering from an anaphylactic reaction. By requiring school districts and county offices of education to perform additional duties related to epinephrine auto-injectors, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 49414 of the Education Code is amended
- 2 to read:
- 3 49414. (a) ~~A school district or~~ *School districts and county*
- 4 ~~office offices~~ *of education* ~~may~~ *shall* provide emergency
- 5 epinephrine auto-injectors to trained personnel, and trained
- 6 personnel ~~may utilize~~ *shall use* those epinephrine auto-injectors
- 7 to provide emergency medical aid to persons suffering from an
- 8 anaphylactic reaction. ~~Any~~ *A school district or county office of*
- 9 ~~education choosing to exercise the authority provided under this~~
- 10 ~~subdivision~~ *shall not receive state funds specifically for the*
- 11 *purposes of this subdivision.*
- 12 (b) For purposes of this section, the following terms have the
- 13 following meaning:

1 (1) “Anaphylaxis” means a potentially life-threatening
2 hypersensitivity to a substance.

3 (A) Symptoms of anaphylaxis may include shortness of breath,
4 wheezing, difficulty breathing, difficulty talking or swallowing,
5 hives, itching, swelling, shock, or asthma.

6 (B) Causes of anaphylaxis may include, but are not limited to,
7 an insect sting, food allergy, drug reaction, and exercise.

8 (2) “Epinephrine auto-injector” means a disposable drug delivery
9 system with a spring-activated concealed needle that is designed
10 for emergency administration of epinephrine to provide rapid,
11 convenient first aid for persons suffering a potentially fatal reaction
12 to anaphylaxis.

13 (c) ~~Each public and private elementary and secondary school~~
14 ~~in the state may voluntarily determine whether or not to make~~
15 ~~emergency epinephrine auto-injectors and trained personnel~~
16 ~~available at its school. In making this determination, a school shall~~
17 ~~evaluate the emergency medical response time to the school and~~
18 ~~determine whether initiating emergency medical services is an~~
19 ~~acceptable alternative to epinephrine auto-injectors and trained~~
20 ~~personnel. Any A private elementary or secondary school choosing~~
21 ~~to exercise the authority provided under this subdivision shall not~~
22 ~~receive state funds specifically for the purposes of this subdivision.~~

23 (d) *Each public elementary and secondary school in the state*
24 *shall, and each private elementary and secondary school in the*
25 *state may, designate one or more school personnel on a voluntary*
26 *basis to receive initial and annual refresher training, based on the*
27 *standards developed pursuant to subdivision (e), regarding the*
28 *storage and emergency use of an epinephrine auto-injector from*
29 *the school nurse or other qualified person designated by the school*
30 *district physician, the medical director of the local health*
31 *department, or the local emergency medical services director. Any*
32 *A school choosing to exercise the authority provided under this*
33 ~~subdivision shall not receive state funds specifically for the~~
34 ~~purposes of this subdivision.~~

35 (e) (1) ~~The Superintendent of Public Instruction shall establish~~
36 ~~minimum standards of training for the administration of~~
37 ~~epinephrine auto-injectors that satisfy the requirements in~~
38 ~~paragraph (2). For purposes of this subdivision, the Superintendent~~
39 ~~of Public Instruction shall consult with organizations and providers~~
40 ~~with expertise in administering epinephrine auto-injectors and~~

1 administering medication in a school environment, including, but
2 not limited to, the State Department of Health *Care* Services, the
3 Emergency Medical Services Authority, the American Academy
4 of Allergy, Asthma, and Immunology, the California School Nurses
5 Organization, the California Medical Association, the American
6 Academy of Pediatrics, and others.

7 (2) Training established pursuant to this subdivision shall include
8 all of the following:

9 (A) Techniques for recognizing symptoms of anaphylaxis.

10 (B) Standards and procedures for the storage and emergency
11 use of epinephrine auto-injectors.

12 (C) Emergency follow-up procedures, including calling the
13 emergency 911 phone number and contacting, if possible, the
14 pupil's parent and physician.

15 (D) Instruction and certification in cardiopulmonary
16 resuscitation.

17 (E) Written materials covering the information required under
18 this subdivision.

19 (3) A school shall retain for reference the written materials
20 prepared under subparagraph (E) of paragraph (2).

21 (f) A school nurse, or if the school does not have a school nurse,
22 a person who has received training pursuant to subdivision (d),
23 ~~may~~ *shall* do the following:

24 (1) Obtain from the school district physician, the medical
25 director of the local health department, or the local emergency
26 medical services director a prescription for epinephrine
27 auto-injectors. *The prescription may be filled by local or mail*
28 *order pharmacies.*

29 (2) Immediately administer an epinephrine auto-injector to a
30 person exhibiting potentially life-threatening symptoms of
31 anaphylaxis at school or a school activity when a physician is not
32 immediately available. *If the epinephrine auto-injector is used it*
33 *shall be restocked as soon as reasonably possible. Expired*
34 *epinephrine auto-injectors shall be restocked before their*
35 *expiration date.*

36 (g) A person who has received training as set forth in subdivision
37 (d) or a school nurse shall initiate emergency medical services or
38 other appropriate medical follow up in accordance with the training
39 materials retained pursuant to paragraph (3) of subdivision (e).

1 (h) ~~Any~~ A school district or county office of education ~~electing~~
2 ~~to utilize~~ *using* epinephrine auto-injectors for emergency medical
3 aid shall create a plan to address all of the following issues:

4 (1) Designation of the individual or individuals who will provide
5 the training pursuant to subdivision (d).

6 (2) Designation of the school district physician, the medical
7 director of the local health department, or the local emergency
8 medical services director that the school district or county office
9 of education will consult for the prescription for epinephrine
10 auto-injectors pursuant to paragraph (1) of subdivision (f).

11 (3) Documentation as to which individual, the school nurse or
12 other trained person pursuant to subdivision (f), in the school
13 district or county office of education will obtain the prescription
14 from the physician and the medication from a pharmacist.

15 (4) Documentation as to where the medication is stored and
16 how the medication will be made readily available in case of an
17 emergency.

18 *(i) An epinephrine auto-injector shall be available at each*
19 *schoolsite and at school-sanctioned events including, but not*
20 *limited to, field trips and off-campus events.*

21 *(j) The school district, the county office of education, and trained*
22 *personnel shall not be liable for any civil damages resulting from*
23 *the administration of an epinephrine auto-injector to a person*
24 *reasonably believed to be suffering from an anaphylactic reaction.*

25 SEC. 2. If the Commission on State Mandates determines that
26 this act contains costs mandated by the state, reimbursement to
27 local agencies and school districts for those costs shall be made
28 pursuant to Part 7 (commencing with Section 17500) of Division
29 4 of Title 2 of the Government Code.